

January 31, 2003

# **BUSINESS RULES FOR THE ENFORCEMENT/COMPLIANCE DATA STANDARD**

United States Environmental Protection Agency  
Office of Environmental Information  
1200 Pennsylvania Avenue, NW.  
Washington, DC 20460

November 12, 2002

## CONTENTS

<b>1.</b>	<b>THE STANDARD</b>	<b>1</b>
<b>2.</b>	<b>RELATIONSHIPS</b>	<b>1</b>
<b>3.</b>	<b>DEFINITIONS</b>	<b>4</b>
<b>4.</b>	<b>APPLICABILITY</b>	<b>8</b>
<b>5.</b>	<b>DATA REQUIREMENTS</b>	<b>9</b>
<b>6.</b>	<b>PROCESSING</b>	<b>9</b>
<b>7.</b>	<b>ROLES AND RESPONSIBILITIES</b>	<b>10</b>
<b>8.</b>	<b>IMPLEMENTATION</b>	<b>12</b>
<b>9.</b>	<b>PROVISION FOR WAIVER</b>	<b>12</b>
<b>10.</b>	<b>MAINTENANCE</b>	<b>12</b>
<b>11.</b>	<b>REFERENCES</b>	<b>12</b>

## **APPENDIX A**      Enforcement/Compliance Data Standard Data Element List

## EXECUTIVE SUMMARY

*Data Standard:* **Enforcement/Compliance**

*Description:* The Enforcement/Compliance Data Standard provides a common vocabulary for sharing environmental enforcement and compliance data between EPA, States, Tribes, and local government agencies.

- Requirements:*
1. System managers must modify the data exchange formats to conform in name, definition, and format to the applicable standard data elements.
  2. System managers must ensure that their systems are capable of accepting information that meets the definition and format requirements specified in the standard.
  3. System managers must be able to map their applicable system data elements to the standard data elements.

*Implementation Date:* Applicable Systems: December 31, 2005.  
The standard applies to Agency information systems that exchange data contained in the Enforcement/Compliance Data Standard with Agency or with partner systems.

*More Information:* Standard Data Elements for Enforcement/Compliance  
<http://www.epa.gov/edr/fenfcomp.pdf/>

Business Rules for the Enforcement/Compliance Data Standard  
<http://www.epa.gov/edr/fenfcompbr.pdf/>

Procedure for Requesting a Data Standard Conformance Waiver  
<http://www.epa.gov/edr/waiverprocess.pdf>

## **BUSINESS RULES FOR THE ENFORCEMENT/COMPLIANCE DATA STANDARD**

### **1. THE STANDARD**

- a. The standard provides a common vocabulary for sharing environmental enforcement and compliance data between EPA, States, Tribes, and local government agencies. The goal in developing this common vocabulary is to ensure that the various Agency programs and partner agencies that may use different names for activities or legal instruments that are functionally the same (or the same names for activities or instruments that are functionally different) can use the standard to help translate or exchange data from one information system to another.
- b. The purpose of the standard is to provide a common vocabulary or lexicon so that information about functionally similar activities and/or instruments can be shared. Adoption of the standard is intended to improve data quality, comprehension, and access by the stakeholders and the public. The standard also aims to improve communication between parties that share enforcement and compliance data.
- c. The standard is not intended to constrain what information an agency chooses to collect, nor does it constitute a new reporting requirement or require additional information to be reported.
- d. The standard consists of a list of data elements, each of which is defined, and relationships or linkages between data elements within the standard and with other Agency standards. The standard data elements and their definitions are presented in Appendix A and are recorded in EPA's Environmental Data Registry (EDR) at <http://www.epa.gov/edr/>.

### **2. RELATIONSHIPS**

This section defines specific interrelationships with other standards and between subject areas within the standard. This section is not intended to be a system design specification but rather to inform the exchange of data between the Agency and its partners.

- a. Compliance Monitoring Information Relationships:
  - i. One or more compliance monitoring actions can result in a specific violation.

- ii. Each compliance monitoring action can result in one or more violations.
  - iii. Each compliance monitoring action can produce one or more compliance determinations.
  - iv. A compliance monitoring action is taken toward a facility by compliance monitoring agency (also known as a “reporting agency”). A facility is identified and recorded by the Facility Registry Identifier data element from the Facility Identification Data Standard.
  - v. A compliance monitoring action is associated with at least one specific statute/section pair, which serves to describe the environmental program(s) or interest(s) being furthered through the action.
- b. Violation Information Relationships:
- i. Each violation must be affiliated with only one specific compliance monitoring agency.
  - ii. Each violation can be detected as a result of one or more compliance monitoring actions.
  - iii. Each violation can be associated with either zero or one or more permits. A permit is identified and recorded by either a Permit Name or a Permit Number/Identifier data element from the Permitting Data Standard.
  - iv. Each violation may lead to either zero or one or more enforcement actions. (Not every violation results in an enforcement action. The same violation may be cited in several different, successive enforcement actions of progressively greater severity [e.g., a Notice of Violation followed by a Complaint and, ultimately, a Final Order].)
  - v. A specific violation or group of violations may be uniquely identified by the data elements Compliance Monitoring Identifier and the Violation Determined Date.
- c. Enforcement Action General Information Relationships:
- i. Each enforcement action is related to at least one specific determination of noncompliance, or determination of the need for response or corrective action.

- ii. Each enforcement action is related to either zero or one or more permits through a violation. A permit is identified and recorded by either a Permit Name or a Permit Number/Identifier data element from the Permitting Data Standard.
  - iii. Each enforcement action must be related to at least one defendant/respondent. A defendant/respondent is identified and recorded by either the Individual Name or Organization Formal Name data elements from the Facility Identification Data Standard.
  - iv. Each enforcement action can be linked to either zero or one or more violations. (Some enforcement actions are not based on alleged violations of law. Examples include many “imminent-and-substantial endangerment” actions, and other actions brought to compel the implementation of a response action, or to recover government costs.)
  - v. Each enforcement action has a single current enforcement status (also known as an enforcement action status). An enforcement action may have several different statuses during the lifetime of the action.
  - vi. Each enforcement action is taken toward zero, one, or more facilities. A facility is identified and recorded by the data element Facility Registry Identifier from the Facility Identification Data Standard. (Though not common, it is possible to take an enforcement action against an entity that is not related to a specific regulated “facility.”)
  - vii. Each enforcement action must have at least one defendant/respondent. A defendant/respondent is identified and recorded by either the Individual Name or Organization Formal Name data elements from the Facility Identification Data Standard.
  - viii. Each enforcement action is associated with a statutory authority (e.g., Federal Statute Violated, State Statute Violated, Tribal Statute Violated, and Local Statute Violated.)
- d. Additional Enforcement Action Attribute Information Relationships:
- i. Each Complaint/Proposed Order is associated with at least one Enforcement Action “relief sought” types (Cash Civil Penalty Amount Sought, Cost Recovery Amount Sought, Collection Amount Sought, and Injunctive Relief Sought Description).

- ii. Each Final Order may be associated with one or more Final Order Relief Required Types.
- e. Defendant/Respondent Affiliation Information Relationships:
  - i. Each enforcement action is related to at least one defendant/respondent.
  - ii. A defendant/respondent is identified and recorded by either the Individual Name or Organization Formal Name data elements from the Facility Identification Data Standard.
  - iii. Each defendant/respondent may be affiliated with one or more facilities that are the subject of the enforcement action. A facility is identified and recorded by the data element Facility Registry Identifier from the Facility Identification Data Standard.
  - iv. Additional information about each defendant/respondent (e.g., mailing address, DUNS Number, contact person, title, etc.) may be recorded as defined in the Facility Identification Data Standard, irrespective of whether or not the defendant/respondent is an owner or operator of a facility that is the subject of the enforcement action (e.g., where the defendant/respondent's only affiliation to the facility is as Generator or Transporter).

### 3. DEFINITIONS

The following terms and definitions were developed by the Enforcement/Compliance Data Standard Action Team to support the standard development process.

- a. *Civil Penalty* is a monetary sanction that the violator is required to pay to the government because of a violation, but not including a stipulated penalty. The term includes penalties imposed through either an administrative or a civil judicial proceeding, but does not include fines, penalties, or monetary restitution imposed through a criminal enforcement proceeding.
- b. *Collection* is a claim that the defendant/respondent pay a previously incurred debt or monetary obligation, such as an imposed penalty, which has gone unpaid beyond the due date.

- c. *Complaint/Proposed Order* is a legal instrument that formally initiates a “two-step” legal procedure (in which the defendant/respondent has the right to a specified further process such as a hearing or trial), the objective of which is to secure an independently enforceable Final Order. This type of Enforcement Action can be either administrative or judicial. (A Proposed Order is a term of art used to characterize only certain administrative enforcement processes in which, prior to issuance of a Final Order, the Enforcement Agency is *required* to provide the defendant/respondent with formal notice of its intent to issue a Final Order, and the proposed contents of such Final Order, prior to actually issuing it.
- d. *Compliance Monitoring Action* is any action taken by a compliance monitoring agency for the purpose of determining, or assisting in the determination of, the status of compliance with applicable environmental laws or rules at a regulated facility or of a regulated entity.
- e. *Compliance Monitoring Agency* is a governmental agency that carries out a compliance monitoring action.
- f. *Compliance Schedule* is an enforceable schedule, contained in a Final Order, for the implementation of specific injunctive relief activities, specifying milestones or deadlines for the completion thereof (including any interim milestones). The term “Compliance Schedule,” as used in the Enforcement/Compliance Data Standard, does not include a compliance schedule issued as part of an environmental permit.
- g. *Compliance Status* is a determination of a regulated entity’s compliance with specific statutory or regulatory requirements.
- h. *Cost Recovery* is a claim that the defendant/respondent reimburse the government for costs incurred in connection with certain activities, typically emergency or remedial response actions.
- i. *Defendant/Respondent* is the party against which an Enforcement Agency initiates an Enforcement Action, and is designated as such in the caption of the action.
- j. *Determination of Noncompliance* is an official determination, by a Compliance Monitoring Agency of competent jurisdiction, that a regulated facility or regulated entity is not in compliance with any obligation imposed under an applicable environmental law or regulation.



- k. *Enforcement Action* is any kind of action taken to address noncompliance with environmental laws by a regulated entity; or to assess penalties for noncompliance; or to compel the recipient to perform or refrain from certain actions; or to recover costs, and/or to collect money owed to the government under environmental laws.
- l. *Enforcement Authority* means the authority of a governmental executive agency, conferred upon it by a governmental legislative body, to compel (or to formally request a judicial body or tribunal to compel) a regulated entity to take or refrain from taking one or more of the kinds of actions that are enumerated in the definition of Enforcement Action.
- m. The *Enforcement/Compliance Data Standard Steward* is the person or organization responsible for monitoring the currency and relevancy of the standard to the Agency.
- n. *Enforcement/Compliance Data Stewards* describe persons or functions at the Program System, Regional, or State levels that are accountable for the overall quality of enforcement/compliance data. The Enforcement/Compliance Data Stewards ensure the proper application of the standard and identify and communicate issues to the *Enforcement/Compliance Data Standard Steward* for action.
- o. The EPA *Environmental Data Registry* (EDR) is the central repository and reference tool for Agency data elements and other objects, such as Agency standards and business rules.
- p. The *Environmental Data Standards Council* (EDSC) is a partnership among EPA, States, and Tribal Nations to develop and agree upon data standards for environmental information collection and exchange. The EDSC seeks to promote efficient sharing of environmental information between State, EPA, and Tribal partners providing data standards as a basis for new data exchange and data integration activities.
- q. *Enforcement Authority* is the governmental entity that initiates an enforcement action.
- r. *Enforcement Status* is the status of a regulatory authority's enforcement response related to violations determined to exist with respect to a regulated entity.

- s. *Final Order* is an administrative or judicial legal instrument that formally concludes an enforcement action, and which imposes on the recipient independently enforceable obligations.
- t. *Information Request* is an enforceable request for information to a regulated entity or potentially regulated entity about a site, facility, or activity.
- u. *Information System Managers* are staff responsible and accountable for management of information systems, both environmental media specific and administrative, which are managed from EPA Headquarters or in offsite locations, e.g., laboratories.
- v. *Injunctive Relief* is an enforceable requirement obliging the defendant/respondent to take, or refrain from taking, certain specified actions. Examples include installation of pollution control equipment, performing a cleanup or corrective action, eliminating a violative discharge, submitting reports, etc. Injunctive Relief does not include any requirement to perform Supplemental Environmental Projects (SEP). In the Enforcement and Compliance Data Standard, the term “Injunctive Relief” does not include the obligation to make penalty or cost recovery payments. SEPs, penalties and cost recovery obligations are captured in separate data elements.
- w. *Inspection* is a visit to a facility or site for the purpose of gathering information to determine compliance, including offsite observations.
- x. *Investigation* is an extraordinarily detailed assessment of a facility’s or facilities’ compliance status.
- y. *Penalty* is a monetary sanction for failure to comply with requirements, that the violator is required to pay to the government.
- z. *Reporting Authority* is the governmental entity that provides data regarding its enforcement and compliance activities.
- aa. *Responsible Authority* is the government official with authority to issue a legal instrument such as complaint, Final Order, or information request.
- bb. *Search Warrant* is a judicial instrument authorizing access to a facility or site by government personnel or their agents for the purpose of determining compliance and/or carrying out response activities; this category includes warrants and judicial orders in aid of access.

- cc. *Settlement Agreement* is an enforceable agreement between the parties to ensure compliance that is executed by both parties and approved by the tribunal or responsible authority.
- dd. *Stipulated Penalty* is a monetary sanction that the violator is required to pay to the government because of noncompliance with a Final Order and which is paid pursuant to the explicit terms of such Final Order.
- ee. *Subpoena* is a formal document issued to compel testimony and/or to produce documents.
- ff. *Supplemental Environmental Project (SEP)* is an environmentally beneficial action or project, not otherwise required by law, agreed to be undertaken by the defendant/respondent, often in lieu of a portion of a penalty.

#### **4. APPLICABILITY**

- a. The EPA Enforcement/Compliance Data Standard applies to Agency information systems that exchange data contained in the Enforcement/Compliance Data Standard with Agency systems or with partner systems. The standard does not constrain the information an agency may choose to collect, nor does it constitute a reporting requirement.
- b. This data standard applies to any data exchange between nodes on the EPA Network.
- c. This standard does not apply to systems not in use (i.e., retired systems), although managers for such systems are encouraged to meet the standard if they believe that information from such systems will be integrated with information from other Agency or partner systems.
- d. EPA encourages State and Tribal partners and stakeholders to adopt this standard. State partners and stakeholders are required to adhere to this standard only when the work plan of the Environmental Performance Partnership Agreement, or the appropriate Grant program agreements, includes mechanisms for adopting the standard, such as Trading Partner Agreements. These agreements are typically reached between the Regional offices or the Program offices and the States or stakeholders.

## **5. DATA REQUIREMENTS**

- a. The standard does not contain mandatory data elements; however, applicable information system data elements must conform in name, definition, and format to the standard, if they are exchanged with Agency or partner systems.
- b. Standard data elements are described in detail in Appendix A.

## **6. PROCESSING**

- a. System managers must modify the data exchange formats to conform in name, definition, and format to the applicable standard data elements. Data element definitions in the applicable system should be similar or the same in meaning, but need not be identical in wording to this data standard.
- b. System managers must ensure that their systems are capable of accepting information that meets the definition and format requirements specified in the standard.
- c. System managers must be able to map their applicable system data elements to the standard data elements. This can be done by:
  - i. Adopting the applicable standard names, definitions, and formats in the information system, or
  - ii. Documenting the mapping of system data elements to the standard names (or the equivalent XML tag name, provided in the Environmental Data Registry ([www.epa.gov/edr/](http://www.epa.gov/edr/))), definitions and formats.
- d. Guidance Documents, Web Sites, and Other Non-System Information. For applicable systems, managers are encouraged to adopt the Enforcement Compliance Data Standard for terms and definitions in non-system information resources, such as guidance documents, web sites, and other relevant information.
- e. The Enforcement/Compliance Data Standard applies to information exchanges that occur after the implementation date of the standard, and does not apply to legacy data that is not being exchanged.

## **7. ROLES AND RESPONSIBILITIES**

- a. The EPA Chief Information Officer (CIO) will:
  - i. Ensure adherence to these business rules and will be responsible for the resolution of conflicts and issues relating to these business rules, including applicability of the standard and waiver requests.
  - ii. Issue waivers from conformance with this standard in accordance with the procedures described in Section 9 of these business rules.
- b. EPA's Office of Information Collection (OIC) will:
  - i. Oversee the Agency process and operating procedures to ensure conformance with this standard.
  - ii. Provide guidance and technical assistance to program offices, their Regional and State counterparts, and the regulated community in meeting the requirements of this standard.
  - iii. Appoint an Enforcement/Compliance Data Standard Steward for the Enforcement/Compliance Data Standard.
  - iv. Report any conflicts to the CIO and resolve those conflicts based on CIO guidance.
- c. EPA Program Senior Information Resources Management Officers (SIRMO) and Regional Information Resource Management (IRM) Branch Chiefs will:
  - i. Promote conformance with this standard.
  - ii. Prepare applications from system managers for waivers from this standard and submit them to the CIO.
  - iii. Ensure that new and reengineered systems are designed in conformance with this standard.
- d. Information System Managers will:
  - i. Ensure that any applicable data elements in their information systems conform with this standard.

- ii. Work collaboratively with OIC on continuing standards development and implementation.
  - iii. Identify and bring forward potential conflicts between these business rules, the underlying standards, and information systems needs.
  - iv. Prepare and submit for approval waiver requests when a standard cannot be implemented in their systems.
- e. The Enforcement/Compliance Data Standard Steward, or an authorized delegate, will:
  - i. Work in collaboration with data stewards from Regions, States and National systems to develop and maintain enforcement/compliance information of interest to the Agency.
  - ii. Review maintenance changes to the standard made by the EDSC for Agency implementation based on relevancy to Agency business needs.
  - iii. Make the EDSC aware of any Agency concerns relating to this standard.
- f. Program System Data Stewards for enforcement/compliance will manage enforcement/compliance data for EPA Program systems.

## **8. IMPLEMENTATION**

- a. Managers of Agency information systems that include enforcement/compliance information will implement this data standard no later than December 31, 2005. System managers and Regions will include State partners in the implementation planning process for the standard.
- b. System managers will incorporate this standard into the development cycle of all new and existing Agency information systems where that standard applies (as defined in Section 4).

## **9. PROVISION FOR WAIVER**

OIC has developed a waiver process that identifies key elements of the waiver application process; specifies and defines waiver application procedures; and identifies the implications of

non-conformance. The “Procedures for Requesting a Data Standard Conformance Waiver” are available on the EDR Web site.

## **10. MAINTENANCE**

- a. The standard shall be reviewed annually by the EDSC. The Enforcement/Compliance Data Standard Steward shall make the EDSC aware of any Agency concerns relating to the standard.
- b. Any changes to the standard and business rules will be regularly updated and published in the EDR by OIC.

## **11. REFERENCES**

- a. *EPA Environmental Data Registry* (EDR), <http://www.epa.gov/edr/>

January 31, 2003

## **APPENDIX A**

Enforcement/Compliance Data Standard Data Element List



## **Enforcement/Compliance Data Standard**

The Environmental Data Standards Council (EDSC) chartered the Enforcement and Compliance Data Standard Action Team to identify and define the major areas of enforcement and compliance information, and to develop a data standard that could be used for the exchange of data among environmental agencies and other entities. The purpose of the standard is to provide a common vocabulary or lexicon, so that information about functionally similar activities and/or instruments can be shared. The proposed standard focuses on core information common across most program areas. The standard is not intended to constrain what information an agency chooses to collect, nor does it constitute a reporting requirement. It merely defines a standardized way to organize and exchange key information *if agencies choose to exchange that information*. The State/EPA data standard was approved by the EDSC on April 26, 2002 and by the Agency on January 31, 2003.

The Enforcement/Compliance Data Standard, as presented below, contains the enforcement/compliance data element matrix and commonly used enforcement and compliance terminology. The data elements are grouped by defined subject areas. Each data element is represented by a name, definition, format (maximum length and data type), and where applicable, permitted values. The Notes column is used to record explanatory text relating to the definition and use of the data element.

Just as environmental business areas are interrelated, the Enforcement/Compliance data standard is related to other data standards. For example, the Facility Identification Data Standard, which specifies how a facility is to be uniquely identified, will be linked to the Enforcement/Compliance Data Standard. The standard defines specific interrelationships with other standards and between subject areas within the standard.

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
<b>Compliance Monitoring Information</b> <i>Definition:</i> Information about the types of activities leading to or resulting in a determination of the compliance status of a regulated entity, facility, or group of facilities.  Site inspections in connection with response programs, such as Superfund, are also covered under this heading, where compliance monitoring (e.g., with the terms of an earlier enforcement order or agreement) is among the purposes for such inspections.  <i>Relationships:</i> One or more compliance monitoring actions can detect a violation. Each compliance monitoring action can detect one or more violations. Each compliance monitoring action can produce a compliance determination. A compliance monitoring action is taken with respect to a facility by a reporting agency. A compliance monitoring action is associated with one or more statute/section pairs, which serve to describe the environmental program(s) or interest(s) being furthered through the action.				
1	Compliance Monitoring Date	The calendar date that the compliance monitoring action was performed or conducted.	For actions such as inspections or investigations, use the date on which the action was completed. For actions such as written requests for information, use the date the request was signed by the Responsible Authority.	D(8) YYYYMMDD
2	Compliance Monitoring Identifier	The unique alphanumeric identifier that specifies a compliance monitoring action pertaining to a regulated facility or entity.		A(20)
3	Compliance Monitoring Agency Name	The name of the agency, department, or organization performing or conducting the compliance monitoring action.		A(100)
4	Compliance Monitoring Agency Type	The type of agency performing or conducting the compliance monitoring action.  <i>Permissible Values:</i> U.S. EPA - United States Environmental Protection Agency.	Local agencies include intra-state regional agencies (i.e., those with jurisdiction extending across multiple local government boundaries).	A(40)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		<p>Other Federal - Another agency of the United States.</p> <p>State - State agency.</p> <p>Interstate - Interstate agency.</p> <p>Local - Local agency.</p> <p>Tribal - Tribal government agency.</p>		
5	Compliance Monitoring Action Type	<p>The type of compliance monitoring action taken by a regulatory agency.</p> <p><i>Permissible Values:</i></p> <p>Information Request - An enforceable, written request for information to a regulated entity or potentially regulated entity or about a site, facility, or activity.</p> <p>Compliance Inspection - A visit to a facility or site for the purpose of gathering information to determine compliance including direct observations of facility operations.</p> <p>Compliance Investigation - An extraordinary, detailed assessment of a regulated entity's compliance status, which requires significantly more time to complete than a typical compliance inspection (<i>i.e.</i>, several weeks, as compared with one or a few days).</p> <p>Offsite Record Review - A review of records, conducted at the government agency's</p>	<p>Compliance monitoring action types should accomplish one or more of the following objectives:</p> <ul style="list-style-type: none"> <li>Determine the compliance status of a regulated entity with a law, rule, permit, enforcement order, compliance schedule or other legal requirement.</li> <li>Obtain documentation to support a claim of noncompliance.</li> <li>Inform the regulated entity of potential and actual noncompliance.</li> <li>Provide information to the regulated entity on where and how to obtain compliance assistance.</li> <li>Provide information to the regulated entity on how to conduct self-policing.</li> </ul> <p>Activities that may be</p>	A(24)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		offices, for the purpose of reviewing information to determine compliance of a regulated entity.	<p>categorized as “Information Requests” include:</p> <ul style="list-style-type: none"><li>• Issuance of a subpoena for the production of documents or testimony.</li><li>• A requirement that a facility conduct testing or sampling (e.g., a stack test).</li></ul> <p>Activities that may be categorized as a “Compliance Inspection” include inspections pursuant to a search warrant or an order in aid of access, inspections at a regulatee’s office location, and offsite observations of a facility or site.</p> <p>Activities that may be categorized as an “Off-Site Review” include:</p> <ul style="list-style-type: none"><li>• The review of the reports of facility-conducted testing or sampling tests submitted by the regulated entity.</li><li>• Review of self-reported information from regulated entities, including information required to be submitted (e.g., Discharge Monitoring Report [DMR] or CAA Title V self-certifications) and voluntarily submitted information.</li></ul>	

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
6	Compliance Inspection Type	<p>The type of compliance inspection conducted.</p> <p><i>Permissible Values:</i></p> <p>Compliance Evaluation Inspection - An inspection designed to determine compliance with legal requirements, which does not involve sampling.</p> <p>Compliance Sampling Inspection - An inspection designed to determine compliance with applicable statutes and regulations, which involves collection of physical samples of air, water, waste, etc.</p> <p>Reconnaissance or Screening Inspection - An abbreviated, initial inspection designed to obtain a preliminary overview of a facility's compliance program and status.</p> <p>Case Development Inspection - An inspection designed to collect specific information to support an ongoing or planned enforcement action.</p>	<p>This data element is used only if the type of Compliance Monitoring Action taken was "Compliance Inspection."</p> <p>Inspections to determine the compliance of a facility or regulated entity with the terms of a previously-issued enforcement instrument would be included here.</p>	A(38)
7	Off-Site Record Review Type	<p>The type of off-site record review conducted.</p> <p><i>Permissible Values:</i></p> <p>Required - The regulated entity was legally required to submit the records.</p> <p>Self-Policing Policy Submission - The records reviewed were self-reported information submitted by a regulated entity under EPA's self-policing</p>	<p>This data element is used only if the Compliance Monitoring Action taken was "Off-Site Record Review."</p> <p>The data element describes the way in which such records were acquired by the Compliance Monitoring Agency.</p> <p>Information requested by a regulatory agency would be categorized under the</p>	A(31)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		<p>policies (i.e., EPA's Audit Policy or Small Business Compliance Policy) or under State, Tribal, or Local analogs.</p> <p>Voluntary - The records were self-reported information submitted voluntarily by a regulated entity, but not pursuant to EPA's self-policing policies or State, Tribal, or Local analogs.</p>	Compliance Monitoring Action "Information Request."	
8	Compliance Monitoring Media Type	<p>The environmental program(s) with respect to which the compliance monitoring action was taken.</p> <p><i>Permissible Values:</i>            Air Stationary Source            Air Mobile Source            Emergency and Community Right-to-Know            Hazardous Waste (RCRA)            National Pollutant Discharge Elimination System            Ocean Dumping            Solid Waste            Pesticides            Public Water Supply            Superfund            Toxic Substances            Underground Injection Control            Underground Storage Tanks            Wetlands            Other</p>	Select all applicable values. Any compliance monitoring action for which two or more environmental programs are selected represents a "multi-media" compliance monitoring action. Note that two or more distinct environmental programs may occur under a single statute; e.g., National Pollutant Discharge Elimination System (NPDES) and Wetlands under the federal Clean Water Act; or Public Water Supply and Underground Injection Control under the federal Safe Drinking Water Act.	A(47)
9	Citizen Complaint Indicator Code	<p>The code that indicates whether a compliance monitoring action was performed in response to a citizen complaint or tip.</p> <p><i>Permissible Values:</i>            Y - Yes            N - No</p>	Includes tips or other information received from individuals, community groups, environmental groups, other facilities or regulated entities, etc.	A(1)
10	Compliance	The reason for performing a	"Core Program" includes,	A(26)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
	Monitoring Action Reason	<p>compliance monitoring action.</p> <p><i>Permissible Values:</i>            Core Program - The compliance monitoring action was performed as part of the Compliance Monitoring Agency's core programmatic activities.</p> <p>Agency Priority - The compliance monitoring action was performed in furtherance of a priority or initiative of the Compliance Monitoring Agency or a partner agency.</p> <p>Selected Monitoring Action - The Compliance Monitoring Agency selected the facility or regulated entity for compliance monitoring in response to a referral from another unit within the Compliance Monitoring Agency or another unit of government; in response to a citizen complaint or tip; or for another reason specific to the regulated entity or facility in question (e.g., monitoring compliance with a compliance schedule in a previously-issued enforcement instrument; or because there is probable cause to believe a violation exists).</p>	<p>e.g., when the regulatory agency monitors all major sources on a routine basis; or a statute specifies the frequency of routine monitoring for certain facilities; or the agency selects some percentage of its monitoring based on random selection; etc.</p> <p>"Agency Priority" includes, e.g., monitoring actions taken with respect to targeted pollutants; or actions taken in specially targeted industries, geographic areas, communities, ecosystems, etc.</p> <p>More than one of the Permissible Values may apply to a given Compliance Monitoring Action. For example, an inspection may be in support of an Agency priority, but also fulfill core program obligations. In that case, the reporting agency may choose how to characterize the Reason; ordinarily, in the example given, we would encourage selection of "Agency Priority" as providing a more specific rationale.</p>	
11	Compliance Monitoring Action Priority Originator	<p>The program that established the priority that prompted the compliance monitoring action.</p> <p><i>Permissible Values:</i>            EPA National - The compliance monitoring action furthers a priority established by the Office of Enforcement and</p>	If the Reason for Compliance Monitoring Action is "Priority," identify the originator of the priority.	A(30)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		<p>Compliance Assurance in EPA Headquarters.</p> <p>EPA Regional - The compliance monitoring action furthers a priority established by an EPA Region.</p> <p>State - The compliance monitoring action furthers a priority established by a State.</p> <p>Tribal - The compliance monitoring action furthers a priority established by a Tribe.</p> <p>Local - The compliance monitoring action furthers a priority established by a local government.</p>		
12	Compliance Monitoring Priority	<p>The name of the priority that prompted the compliance monitoring action.</p> <p>Permissible Values:            Clean Water Act/Wet Weather - The national priority area Clean Water Act/Wet Weather that includes Combined Sewer Overflow (CSO) Policy, the Sanitary Sewer Overflow (SSO) Enforcement Management System, and the National Concentrated Animal Feeding Operations (CAFOs) Sector Strategy.</p> <p>Safe Drinking Water Act/Microbial Rules - The national priority area Safe Drinking Water Act/Microbial Rules.</p> <p>Clean Air Act/NSR/PSD - The national priority area Clean Air</p>	<p>If the Reason for Compliance Monitoring Action is "Priority," identify the priority by name.</p> <p>Permissible values will include priorities established by EPA at the National or EPA Regional level and priorities established by State, Local, and/or Tribal agencies.</p>	A(53)



Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		<p>Act/New Source Review/Prevention Of Significant Deterioration (NSR/PSD).</p> <p>Clean Air Act/Air Toxics - The national priority area Clean Air Act/Air Toxics.</p> <p>Resource Conservation and Recovery Act/Permit Evaders - The national priority area Resource Conservation and Recovery Act/Permit Evaders.</p> <p>Petroleum Refining Sector - The national priority area Petroleum Refining Sector.</p>		
13	Compliance Monitoring Action Outcome	<p>The results from a compliance monitoring action.</p> <p><i>Permissible Values:</i></p> <p>No Violation - No violation(s) detected.</p> <p>Immediately Corrected - Violation(s) detected and immediately corrected onsite.</p> <p>Not Immediately Corrected - Violation(s) detected but not immediately corrected.</p> <p>Under Review - A determination on compliance status is pending further review, completion of an inspection report, etc.</p> <p>No Compliance Monitoring (Facility Shut Down) - The facility is no longer in operation.</p> <p>No Compliance Monitoring</p>		A(45)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		(Access Denied) - The owner/operator denied access to the facility.		
<p><b>Violation</b>  <i>Definition:</i>  Noncompliance with one or more legally enforceable obligations by a regulated entity, as determined by a responsible authority. Included in this category are violations of legally enforceable obligations under pre-existing Final Orders (e.g., violations of compliance schedules included in enforcement orders).</p> <p>Status as a “potentially responsible party” may give rise to liability to perform a remedial or corrective action. By itself, such liability is not a “violation.” However, if the obligation to perform such corrective action is included in an enforceable Final Order, and the party fails to perform, that failure would represent a violation which can be described using the data elements in this category. (Of course, if the specific obligation to perform a corrective action is explicitly set out in a statute or rule, and the party fails to perform its duties under such a law, that too would represent a violation.)</p> <p>It is desirable that the data in this category be provided for each separate or individual violation identified through a Compliance Monitoring Action. However, if the Compliance Monitoring Agency providing these data does not maintain information about each violation individually, then the data in this category may be provided with reference to a group of violations identified at the same time with respect to the same regulated entity.</p> <p><i>Relationships:</i>  Each violation is affiliated with a compliance monitoring agency.  Each violation can be detected by one or more compliance monitoring actions.  Each violation can be associated with zero or one or more permits.  Each violation may lead to zero or one or more enforcement actions. (Not every violation results in an enforcement action. The same violation may be cited in several different, successive enforcement actions of progressively greater severity [e.g., a Notice of Violation followed by a Complaint and, ultimately, a Final Order].)</p>				
14	Violation Determined Date	The calendar date the Responsible Authority determines that a regulated entity is in violation of a legally enforceable obligation.	This may be the same as, or different than, the Compliance Monitoring Date.	D(8) YYYYMMDD
15	Violation Class Type	<p>The type of violation that is the subject of the Violation Determined Date.</p> <p><i>Permissible Values:</i>  Significant or High Priority Violation - The violation meets applicable programmatic criteria for those terms, as set out by EPA.</p>	If reporting on a group of violations rather than an individual violation and <u>any</u> of the violations within the group are Significant or High Priority, select the permissible value “Significant or High Priority Violation.”	A(38)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		Other - The violation does not meet applicable programmatic criteria for “significant” or “high priority” violations.		
16	Compliance Schedule Indicator Code	<p>The code that indicates whether the regulated entity is currently on a legally enforceable compliance schedule (i.e., pursuant to a Final Order) for return to compliance with the obligation that is the subject of the Violation Determined Date.</p> <p><i>Permissible Values:</i> Y - Yes N - No</p>	If reporting on a group of violations rather than an individual violation and if <u>any</u> such violations are subject to a Compliance Schedule, select the permissible value “Yes.”	A(1)
17	Return to Compliance Scheduled Date	The calendar date, specified in the Compliance Schedule (if any), on which the regulated entity is scheduled to return to compliance with respect to the legal obligation that is the subject of the Violation Determined Date.	If reporting on a group of violations rather than on an individual violation, then enter the latest date by which such violations are to be corrected.	D(8) YYYYMMDD
18	Return to Compliance Actual Date	The calendar date, determined by the Responsible Authority, on which the regulated entity actually returned to compliance with respect to the legal obligation that is the subject of the Violation Determined Date.	If reporting on a group of violations rather than on an individual violation, then enter the date on which all such violations are actually corrected.	D(8) YYYYMMDD
<b>Enforcement Action General Information</b> <i>Definition:</i> Information about any kind of action taken to address noncompliance with environmental laws by a regulated entity; assess penalties for noncompliance; compel the recipient to perform or refrain from certain actions; recover costs; and/or collect money owed to the government under environmental laws.  <i>Relationships:</i> Each enforcement action is related to one or more specific determinations of noncompliance, or determinations of the need for response or corrective action. Each enforcement action is related to zero or one or more permits through a violation. Each enforcement action is related to one or more defendant(s)/respondent(s). Each enforcement action can be linked to zero or one or more violations. (Some enforcement actions are not based on alleged violations of law. Examples include many “imminent-and-substantial endangerment” actions, and other actions brought to compel the implementation of a response action, or to recover government costs.)				

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
<p>Each enforcement action has a single current enforcement status; but each such action may have had a different status at other past times during the lifetime of that action.</p> <p>Each enforcement action is taken with respect to zero, one or more facilities. (Though not common, it is possible to take an enforcement action against an entity that is not related to a specific regulated "facility.")</p> <p>Each enforcement action must have one or more defendant(s)/respondent(s).</p> <p>Each enforcement action is associated with a statutory authority.</p>				
19	Enforcement Action Date	The calendar date the enforcement action was issued or filed.	For actions involving written documents, the Enforcement Action Date is the date on which the document was signed by the Responsible Authority, except for judicial actions it is the date the action was filed in or entered by the court. For an informal action based only on oral notification, it is the date the regulated entity actually received such notification.	D(8) YYYYMMDD
20	Enforcement Action Identifier	The unique alphanumeric identifier used in the applicable database to identify a specific enforcement action pertaining to a regulated entity or facility.		A(20)
21	Enforcement Action Name	The formal name of the enforcement action as shown on the caption of the legal instrument.	For example, " <i>U.S. v. XYZ Company</i> "; or " <i>State of --- v. XYZ Company</i> "; or " <i>In the Matter of XYZ Corp.</i> "	A(200)
22	Enforcement Agency Name	The full name of the agency, department, or organization that submitted the enforcement action data to EPA.		A(100)
23	Enforcement Agency Type	<p>The type of agency that submitted the enforcement action data to EPA.</p> <p><i>Permissible Values:</i>  U.S. EPA - United States Environmental Protection Agency.</p> <p>Other Federal - Another agency of the United States.</p> <p>State - State agency.</p>	Local agencies include intra-state regional agencies (i.e., those with jurisdiction extending across multiple local government boundaries).	A(13)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		Interstate - Interstate agency.  Local- Local agency.  Tribal - Tribal government agency.		
24	Enforcement Agency Location	The U.S. Postal Service alphabetic code that represents the U.S. state or territory in which a state or local government enforcement agency operates.  <i>Permissible Values:</i> Use the two-letter U.S. Postal code for the state or territory.	If the Enforcement Agency Type is "State" or "Local," the enforcement agency should enter the two-letter postal code for the state or territory in which it is located, even though its jurisdiction is not state-wide.	A(2)
25	Federal Statute Violated	The federal statute(s) and sections alleged to have been violated.	For permissible values, use the Law/Section List from the Civil Enforcement Docket System (DOCKET).	A(100)
26	State Statute Violated	The state statute and section(s) alleged to have been violated.		A(100)
27	Tribal Statute Violated	The tribal statute(s), ordinance(s) or law(s) alleged to have been violated.		A(100)
28	Local Statute Violated	The local statute(s), ordinance(s) or law(s) alleged to have been violated.		A(100)
29	Citation	The citation(s) of the violations alleged.	Use regulatory citation, if applicable, otherwise use statutory citation. Use commonly accepted form of citation.	A(200)
30	Noncompliance or Corrective Action Description	The narrative text describing the noncompliance identified, or the response or corrective action required.		A(2000)
31	Enforcement Action Type	The type of action taken by a regulatory agency.  <i>Permissible Values:</i> Oral Notification of Violation - An oral notification to the regulated entity of violation(s)	Enforcement action types are taken to accomplish one or more of the following objectives: <ul style="list-style-type: none"> <li>To inform a regulated entity that</li> </ul>	A(30)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		<p>of applicable laws where no further action is contemplated assuming the entity achieves compliance in a timely manner.</p> <p>Letter to Regulated Entity - A written notification to the regulated entity of violation(s) of applicable laws, such as a warning letter, where no further action is contemplated assuming the entity timely achieves compliance.</p> <p>Letter to State/Tribe - A written notification to a delegated or authorized state, tribe or local government agency, about violation(s) of applicable laws by a regulated entity within the jurisdiction of the state or tribe.</p> <p>Written Notice of Violation - A written notice sent to a regulated entity, initiating the enforcement process by informing the entity of violation(s) of applicable law, and requesting that the regulated entity take action to come into compliance, with the expectation of further follow-up action by the regulatory agency.</p> <p>Demand for Stipulated Penalties - A written demand that a regulated entity, which is subject to a previous Final Order, pay stipulated penalties specified therein for violation(s) of its terms.</p> <p>Judicial Referral - A formal written request to another</p>	<p>the agency has determined the entity to be in noncompliance; and to advise the entity what should be done to correct it, and/or by what date such corrective action should be taken.</p> <ul style="list-style-type: none"><li>• To secure an enforceable order requiring the recipient to perform, or refrain from, certain specified activities.</li><li>• To secure an enforceable order requiring the recipient to pay a civil penalty.</li><li>• To secure an enforceable order requiring the recipient to reimburse the government for costs incurred.</li><li>• To secure an enforceable order requiring the recipient to pay a previously incurred debt or monetary obligation to the government, such as a previously imposed penalty, which is unpaid and overdue.</li></ul> <p>Final Order obligations may include one or more of the above requirements.</p>	

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		<p>agency or unit of government to proceed with judicial enforcement (<i>e.g.</i>, criminal or civil judicial action) relating to the violation(s) in question.</p> <p>Field Citation - A legal instrument issued by an inspector in the field; it provides the Respondent a chance to certify a return to compliance, and pay a reduced penalty, without further discussion with the Regulatory Authority and without further litigation.</p> <p>Complaint/Proposed Order - A legal instrument that formally initiates a “two-step” legal procedure (in which the Respondent has the right to a specified further process such as a hearing or trial), the objective of which is to secure an independently enforceable Final Order. This type of Enforcement Action can be either administrative or judicial.</p> <p>Final Order - An administrative or judicial legal instrument that formally concludes an enforcement action, and which imposes on the recipient independently enforceable obligations.</p>	<p>The term “Final Order” includes administrative and judicial orders, whether on consent or otherwise; and also includes any instrument that serves to resolve Respondent’s potential liability and is legally enforceable, even if it is not an “order” (<i>e.g.</i>, some federal Comprehensive Environmental Response, Compensation and Liability Act [CERCLA] cost recovery or <i>de minimis</i> settlement agreements).</p>	

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		Voluntary Compliance Agreement - A consent agreement in which a regulated entity agrees to come into compliance, but which does not invoke the legal enforcement authority of the government (i.e., the agreement is enforceable only as a contract).		
<b>Additional Enforcement Action Attributes</b> <i>Definition:</i> Attributes that provide additional descriptive information about Enforcement Action Types "Notice of Violation," "Complaint/Proposed Order," and/or "Final Order" <i>only</i> . <i>Relationships:</i> Each Complaint/Proposed Order may be associated with one or more Enforcement Action "relief sought" types (Data Elements #36 - Cash Civil Penalty Amount Sought, #43 - Cost Recovery Amount Sought, #45 - Collection Amount Sought, and #47 - Injunctive Relief Sought Description). Each Final Order may be associated with one or more Final Order Relief Required types.				
32	Enforcement Action Forum	The legal forum in which the enforcement action is brought.  <i>Permissible Values:</i> Judicial - The action is brought in federal or state court.  Administrative - The action is brought before an administrative body or tribunal; or the action is brought by an administrative agency and does not involve a separate tribunal (e.g., a warning letter or Notice of Violation (NOV)).		A(14)
33	Enforcement Action Status	The current status of the enforcement action.  <i>Permissible Values:</i> Active - A Notice of Violation, Judicial Referral, or Complaint/ Proposed Order has been initiated, but a Final Order has not yet been issued, nor has the Action been otherwise Concluded, Closed,		A(25)



Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		<p>Superseded, or Combined.</p> <p>Concluded - The action has been concluded, but not yet closed. An enforcement action is concluded but not closed when a Notice of Violation or a Final Order has been issued, but all actions requested in such Notice or required in such Order have not yet been completed; and/or the termination date in the Final Order (if specified) has not yet passed; and the action has not been Superseded, Combined, Withdrawn, or Dismissed.</p> <p>Closed - All actions requested in a Notice of Violation, or required in a Final Order, have been completed by the recipient; or the termination date of the Final Order (if such a date is specified) has passed; or the action has been Withdrawn or Dismissed; or the enforcement action has been superseded by, or combined into, another related enforcement action addressing the same violations.</p> <p>Stayed While Under Appeal - Where a Final Order has been appealed, and its effective date has been stayed pending the outcome of the appeal, this value should be used.</p>		
34	Enforcement Action Status Date	The calendar date of the most recent Enforcement Action Status determination.		D(8) YYYYMMDD
35	Enforcement Action Resolution Type	The mechanism by which the enforcement action is resolved.		A(19)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		<p><i>Permissible Values:</i></p> <p>Consent - A Final Order issued by the Responsible Authority, or the tribunal, with the consent of the parties.</p> <p>Adjudicated - A Final Order issued by the Responsible Authority, or the tribunal, after adjudication (motion practice, trial, hearing, etc.), where the matter has been contested by the Respondent.</p> <p>Unilaterally Issued - A Final Order issued by the Responsible Authority without the Respondent's consent and without any proceedings such as a hearing or trial.</p> <p>Default - A Final Order issued by the Responsible Authority or the tribunal as a consequence of the Respondent's failure to timely respond to the Complaint/Proposed Order or the Respondent's failure to timely carry on with the subsequent procedural steps.</p> <p>Withdrawn - A Notice of Violation or a Complaint/Proposed Order that is withdrawn by the Responsible Authority.</p> <p>Dismissed - A Complaint/Proposed Order that is dismissed by the Responsible Authority or tribunal.</p> <p>Superceded or Combined - An enforcement action has been superceded by another related enforcement action (<i>e.g.</i>, a</p>	<p>When an enforcement action is Superceded or Combined, that original action has no further independent existence, although the</p>	

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		Notice of Violation has been superceded by a Complaint/ Proposed Order or a Final Order); or has been combined into another related enforcement action.	violations or obligations identified therein are being addressed through another enforcement action.	
<b>Enforcement Action Cash Penalty and Supplemental Environmental Project (SEP) Information</b> <i>Definition:</i> Additional information about <ul style="list-style-type: none"> <li>Any cash civil penalty sought through, and/or required pursuant to, an Enforcement Action;</li> <li>Any stipulated penalty subsequently required to be paid as a consequence of noncompliance by the Defendant/Respondent with the terms of a Final Order; and</li> <li>Any Supplemental Environmental Projects (SEP) required to be performed pursuant to a Final Order.</li> </ul>				
36	Cash Civil Penalty Amount Sought	The dollar amount of any proposed cash civil penalty set forth in a Complaint/Proposed Order.	The amount <i>sought</i> is the amount initially proposed, requested or demanded by the agency that initiates an enforcement action that seeks a penalty. The amount <i>required</i> (see Data Element #37 - Cash Civil Penalty Amount Required) is the amount ultimately agreed to in a settlement, or imposed by a tribunal or other responsible authority.  Does <u>not</u> include: <ul style="list-style-type: none"> <li>The value of Supplemental Environmental Projects (SEP) that may be included in a resolution of the enforcement action;</li> <li>The value of any Stipulated Penalties that may be sought for noncompliance with a Final Order; or</li> <li>The value of any injunctive relief that may be required by a Final Order.</li> </ul>	N(15)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
37	Cash Civil Penalty Amount Required	The dollar amount of any cash civil penalty, payment of which is required pursuant to a Final Order.	<p>The figure to be reported is the amount required to be paid, whether or not such penalty has been collected.</p> <p>Does <u>not</u> include:</p> <ul style="list-style-type: none"> <li>• The value of any Stipulated Penalties that may be required for noncompliance with a Final Order;</li> <li>• The value of any Supplemental Environmental (SEP) included in the Final Order; or</li> <li>• The value of any injunctive relief required by the Final Order.</li> </ul>	N(15)
38	Stipulated Penalty Amount Required	The dollar amount of any cash stipulated penalty, payment of which is required by the Enforcement Agency, pursuant to the terms of a pre-existing Final Order.	A Stipulated Penalty Amount Required figure should only be reported if the Enforcement Agency has made a demand for payment thereof (whether or not the amount has been collected); or the Defendant/ Respondent has self-assessed and paid such Penalties. Stipulated penalties include suspended or contingent penalties, payment of which is required only in the event of subsequent noncompliance (after initial resolution of an enforcement action).	N(15)
39	SEPs Description	The narrative text describing any Supplemental Environmental Projects required to be performed pursuant to a Final Order.		A(2000)

<b>Enforcement/Compliance Data Elements</b>				
<b>Data Element Name</b>		<b>Data Element Definition</b>	<b>Notes</b>	<b>Format</b>
40	SEPs Value	The dollar value of any Supplemental Environmental Projects (SEP) required to be performed pursuant to a Final Order.	This is the estimated full cost to the Defendant/Respondent of implementing any such SEPs.	N(15)
41	SEPs Penalty Assessment Value	That portion of the Supplemental Environmental Projects (SEP) Value which is explicitly denominated as a civil penalty assessed in a Final Order.	EPA does not denominate any portion of the SEP Value as a civil penalty, so for EPA actions this value will be zero. However, other jurisdictions may denominate some portion of the Required SEP Value as a penalty. Thus, the SEPs Penalty Assessment Value may be any fraction of the SEPs Value from 0% to 100%, although it is usually substantially less than 100%.	N(15)
42	Total Civil Penalty Value	The total value of the civil penalty required by a Final Order.	This value is the sum of the Cash Civil Penalty Required Amount plus the Required SEPs Penalty Assessment Value. The Total Civil Penalty Value may be equal to or greater than the Cash Civil Penalty Required Value. (For EPA cases, it will be equal to the Cash Civil Penalty Required Value.)	N(15)
<b>Enforcement Action Cost Recovery and Collection Information</b> <i>Definition:</i> Information about any cost recovery or collection sought through, and/or required pursuant to, an Enforcement Action.				
43	Cost Recovery Amount Sought	The dollar amount of any cost recovery sought in a Complaint/Proposed Order.	If the enforcement action seeks reimbursement of future government costs, not yet expended, and the amount of such future costs can be reasonably accurately estimated, such amount may be included here.	N(15)

<b>Enforcement/Compliance Data Elements</b>				
<b>Data Element Name</b>		<b>Data Element Definition</b>	<b>Notes</b>	<b>Format</b>
44	Cost Recovery Amount Required	The dollar amount of any cost recovery required to be paid pursuant to a Final Order.	Report the amount required in the Final Order, whether or not it has been collected. If the Enforcement Action resolution includes an enforceable obligation for the Defendant/Respondent to reimburse future government costs, not yet expended (e.g., upon presentation of a bill), and the amount of such future costs can be reasonably and accurately estimated, such amount may be included here.	N(15)
45	Collection Amount Sought	The dollar amount of the prior debt sought to be collected through a Complaint/Proposed Order.		N(15)
46	Collection Amount Required	The dollar amount of any collection payment required in a Final Order or other mechanism used to resolve the collection Complaint/Proposed Order.	Report the amount required in the Final Order, whether or not it has been collected.	N(15)
<b>Enforcement Action Injunctive Relief Information</b> <i>Definition:</i> Information about any injunctive relief sought through, and/or required pursuant to, an Enforcement Action, but not including penalties, cost recovery, and Supplemental Environmental Project (SEP) obligations. Penalties, cost recovery and SEPs, are addressed in separate categories. The environmental benefits anticipated from such Injunctive Relief are covered in the Enforcement Action Compliance Milestones Information Data Group.				
47	Injunctive Relief Sought Description	Narrative description of the injunctive relief sought through a Complaint/Proposed Order.	Does not include penalties, cost recovery or Supplemental Environmental Projects (SEP).	A(2000)
48	Injunctive Relief Required Description	Narrative description of the injunctive relief required in a Final Order.	Does not include penalties, cost recovery, or Supplemental Environmental Projects (SEP).	A(2000)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
49	Injunctive Relief Value	The estimated dollar cost to the Defendant/Respondent of carrying out all injunctive relief (not including penalties, cost recovery or Supplemental Environmental Projects) required pursuant to a Final Order.		N(15)
<b>Enforcement Action Compliance Milestones Information</b> <i>Definition:</i> Information about the status of implementation, by Defendant/Respondent, of compliance actions required as milestones included in a Final Order or other enforcement action resolution, including Injunctive Relief, Supplemental Environmental Projects (SEP), and Penalty or Cost Recovery payments required.				
50	Compliance Milestones Status	<p>The status of implementation by a Defendant/Respondent, on a given date (the Compliance Milestones Determination Date), of any compliance milestone actions required to have been completed by that date, including injunctive relief, Supplemental Environmental Projects, and penalty and cost recovery payments required.</p> <p><i>Permissible Values:</i></p> <p>Implemented by Due Date(s) - All required milestone actions, the deadlines for which are on or before the reporting date, were implemented by the specified deadline date(s).</p> <p>Implemented by Determination Date, but Later than Due Date(s) - One or more milestone actions were not implemented by the date(s) specified in the enforcement action resolution instrument, but such actions were completed before the most recent Compliance Milestones Status Determination Date.</p>		A(100)

Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
		Not Implemented by Due Date(s) or Determination Date - One or more milestone actions were not implemented by the date(s) specified in the enforcement instrument, and such actions were not completed as of the time of the most recent Compliance Milestones Status Determination Date.		
51	Compliance Milestones Status Determination Date	The calendar date the Responsible Authority last determined a regulated entity's status of compliance with the milestone obligations in an enforcement action resolution instrument.		D(8) YYYYMMDD
52	Compliance Milestones Violation Response Indicator	The code that indicates whether the Enforcement Agency has taken action in response to a Compliance Milestones Implementation Violation.  <i>Permissible Values:</i> Y - Yes N - No	Such response action may include a demand for stipulated penalties; further enforcement action seeking additional civil penalties; further action seeking to impose contempt sanctions; amendment or revision of the compliance schedule to set new milestone dates; etc.	A(1)
53	Compliance Milestones Completed Date	The calendar date, determined by the Reporting Authority, on which all compliance milestone actions required in an enforcement action resolution have actually been completed, including all injunctive relief, SEPs, and all penalty or cost recovery payments required.		D(8) YYYYMMDD



Enforcement/Compliance Data Elements				
Data Element Name		Data Element Definition	Notes	Format
<b>Defendant/Respondent Affiliation Information</b>				
<i>Definition:</i> Information on the affiliation of the defendant(s) or respondent(s) named in the enforcement action.				
<i>Relationships:</i> Each enforcement action is linked to one or more defendants/respondents and each defendant/respondent may be affiliated with one or more facilities that are the subject of the enforcement action. Additional information about each defendant/respondent (e.g., mailing address, DUNS Number, contact person, title, etc.) may be recorded as defined in the Facility Identification Data Standard, irrespective of whether or not the defendant/respondent is an owner or operator of a facility that is the subject of the enforcement action (e.g., where the defendant/respondent’s only affiliation to the facility is as Generator or Transporter).				
54	Affiliation of Defendant/Respondent to Facility	<p>The name that describes the capacity or function that a defendant/respondent serves for a facility that is the subject of the enforcement action.</p> <p><i>Permissible Values:</i></p> <p>Owner - The defendant or respondent is the owner of the facility.</p> <p>Operator - The defendant or respondent is the operator of the facility.</p> <p>Generator - The defendant or respondent is a generator of waste material found at the subject facility.</p> <p>Transporter - The defendant or respondent is a transporter of waste material found at the subject facility.</p> <p>Other - The defendant or respondent has an affiliation to the facility other than owner, operator, generator, or transporter.</p>	<p>The Defendant/Respondent may be related to the subject facility in more than one way; therefore, more than one permissible value may be selected. For example, an owner of a facility may also be its operator. Similarly, the generator of wastes may also be the owner or operator of the facility where the wastes were disposed.</p> <p>Note that a waste transporter may also be the owner or operator of a waste transfer facility. If the violations alleged are with respect to that facility, the affiliation is as “Owner” and/or “Operator.” If the violations alleged are with respect to Defendant’s activities as transporter to or from another facility, then the affiliation is “Transporter.”</p>	A(11)

## **Procedures for Requesting a Data Standard Conformance Waiver**

### **Office of Information Collection/Data Standards Branch**

The purpose of this document is to (1) identify key elements of the waiver application process; (2) specify and define procedures that Program Offices, Regions, and Laboratories should use when applying for a waiver; and (3) identify the implications of non-conformance.

#### **Background**

Data standards are documented agreements on the format and definition of common data. EPA's Data Standards Program promotes efficient sharing of environmental information among the Agency, States, Tribes, and other information trading partners through the cooperative development of data standards to foster the use of consistently defined and formatted data elements and sets of data values. Employing common terminology and common data element definitions enables the eventual integration of databases, and promotes public access to commonly defined data from disparate sources. By using data standards, Agency managers and the public can more quickly and accurately assess environmental performance, maximize use of resources, and improve data integrity.

Because data standardization is critical to information integration efforts, provision for data standard conformance waivers will only be granted in those instances where they are clearly warranted. In general, it is anticipated that Agency information systems will conform to data standards relevant to those systems.

#### **1. Key Elements of the Waiver Process**

- Applications for waivers must be made in writing by the Program Office's Senior Information Resources Management Officer (SIRMO) (or comparable Regional or Laboratory official) to the Chief Information Officer (CIO). Copies must be sent to the Collection and Access Policy Subcommittee (CAPS) of the Quality and Information Council (QIC) and the Data Standards Branch Chief, Office of Information Collection.
- Applications for both temporary and permanent waivers will be considered.
- Applications must identify risks and costs associated with non-conformance.
- Each Application may address only one standard and one system at a time. Applications that request a waiver for a single standard within multiple information systems, or multiple standards within a single information system, will not be accepted.
- Evaluation criteria used in consideration of waiver disposition will include, but are not limited to:
  1. Applicability - systems not exchanging data;
  2. Timing - systems that will be discontinued and instances where modernization is ongoing; and
  3. Burden - significant impact on the regulated community and/or information trading partners.
- The Agency's CIO has sole authority to grant waivers.

- The CIO has 60 days to notify the applying office of the disposition of the waiver.

## **2. Waiver Application Procedures**

Step 1. Determination of Need. The Program Office's SIRMO and other relevant decision officials determine whether they will meet data standard conformance deadlines. These deadlines are found in the business rules documents posted in the data standards section of the Environmental Data Registry. The Program Office must formally apply for a waiver in those instances where pending data standard conformance is not possible or not warranted.

Step 2. Submission of Waiver Request. Applications for waivers are to be made by the SIRMO in writing to the CIO. A copy also must be sent to the Data Standards Branch (DSB) Chief and the Co-chairs of the CAPS. Waiver applications must:

- Identify the system affected and the standard of concern;
- Indicate whether the request is for a temporary or permanent waiver. Applications requesting a temporary waiver must indicate when the system will conform with the standard. Applications for a permanent waiver must include reasons why the data element(s) should not be implemented;
- Identify any risks associated with continued non-conformance; and
- Assess the cost-effectiveness of continued non-conformant operation.

Each application for a waiver may address only one standard and one system. In cases where multiple standards or systems are affected, a separate application is required for each individual standard and system involved. Applications that address multiple standards and/or systems will not be accepted.

Submissions need to be made on EPA letterhead in memorandum format, along with any necessary documentation. E-mail submissions will not be accepted.

Step 3. Disposition of Waiver Request. The DSB will evaluate applications and make advisory recommendations to the CIO. The DSB will consult with data standard stewards and the CAPS/QIC as needed. Evaluation criteria used in consideration of waiver disposition will include, but are not limited to, applicability, timing, and burden on the regulated community and/or information trading partners.

The CIO shall notify the SIRMO of the applying office in writing of the disposition of the application within 60 days of receipt. For a temporary waiver request, the CIO will indicate the date by which the system is to conform to the standard.

## **3. Potential Implications of Non-Conformance with Data Standards**

- Reduced funding and/or system development or O&M restrictions from the Capital Planning Investment and Control (CPIC) process; and limited

participation in Agency-wide information technology functions such as the Network.